

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

N.R., a minor by and through his Guardian Ad Litem, AUDREY ROSENSTEIN; AUDREY ROSENSTEIN; and CRAIG ROSENSTEIN,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT, *et al.*,

Defendants.

Case No.: 2:13-cv-01443-JCM-VCF

REPORT & RECOMMENDATION

APPROVING COMPROMISE OF MINOR'S CLAIM WITH DEFENDANTS, CLARK COUNTY SCHOOL DISTRICT; DWIGHT JONES; PEDRO MARTINEZ; SAMUEL RADO; LEIGH MOSER; BRITTANY MAXWELL; AND ASHLEY HOYE (#80)

Before the court is Plaintiff-Petitioner Audrey Rosenstein's Amended Petition for Compromise of Minor's claim (#80)¹ on behalf of Plaintiff minor child, N.R.² This matter arises from the alleged physical abuse of N.R., while in the custody, care, and control of the Clark County School District, Dwight Jones, Pedro Martinez, Samuel Rado, Leigh Moser, Brittany Maxwell, and Ashley Hoyer. (*See* #80). Plaintiffs filed their original complaint on June 21, 2013. After more than 18 months of litigation and negotiation, Plaintiffs reached a settlement with all Defendants. A hearing was held on July 1, 2015 on the unopposed motion regarding Plaintiffs' Amended Motion for Compromise of Minor's claim. Upon a reading of the Amended Petition for Compromise of Minor's Claim with Clark County and considering the representation of Plaintiffs' counsel at today's hearing, the court recommends that the Petition be granted as described below.

ACCORDINGLY, and for good cause shown,

¹ Parenthetical citations refer to the court's docket.

² Pursuant to Fed. R. Civ. P. 5.2(a)(3), the minor plaintiff will be referred to herein by his initials, N.R.

1 IT IS RECOMMENDED that the Court approves the monetary settlement between Audrey
2 Rosenstein and Craig Rosenstein and Defendants, for the benefit of the minor child, N.R.

3 IT IS FURTHER RECOMMENDED that the settlement on behalf of N.R. shall be placed in a
4 Court-approved Guardianship Trust, which shall be used to meet N.R.'s health, education, and welfare
5 needs, in N.R.'s place of residence, pursuant to the terms and under the control of the Eighth Judicial
6 District Court's Order Establishing Guardianship of the Estate and for Issuance of General Letters of
7 Guardianship in case G-15-042068-M ("Guardianship Order").

8 IT IS FURTHER RECOMMENDED that the court find that this settlement of a minor's claim
9 meets the requirements found in Nevada Revised Statutes §41.200(5) due to the Guardianship Order and
10 supervision by the Eighth Judicial District Court.

11 IT IS FURTHER RECOMMENDED that Plaintiffs' counsel, Ganz & Hauf, may be paid its
12 attorney's fees, in the amount of \$30,000.00.


13 IT IS FURTHER RECOMMENDED that Plaintiffs' outstanding costs, \$3,317.44, be assessed to
14 N.R.'s portion of the settlement on a pro rata basis. The prorated amount of \$2,927.15 shall be paid out
15 of N.R.'s portion of the settlement, with \$390.29 assessed to Petitioner's portion of the settlement.

16 IT IS FURTHER RECOMMENDED that the settlement in the amount of \$75,000.00, be divided
17 and paid as follows:

18	Net Recovery to be placed in N.R.'s Guardianship Trust Account:	\$42,072.85
19	Attorney fees to Plaintiffs' counsel, Ganz & Hauf:	\$30,000.00
20	Costs payable to Plaintiffs' counsel, Ganz & Hauf:	\$2,927.15

21 IT IS FURTHER RECOMMENDED that Petitioners file with the Court verification that the
22 funds have been placed in a blocked financial institution, subject to the control of the Guardianship
23 Trust, within 30 days of the receipt of funds and establishing the account.
24
25

1
2 DATED this 2nd day of July, 2015.

3
4 

5 CAM FERENBACH
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25